

**PUBLIC CHAPTER NO. 1145**

**HOUSE BILL NO. 2434**

**By Representatives Odom, Ferguson**

**Substituted for: Senate Bill No. 2841**

**By Senators Marrero, Ford**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4, relative to new specialty earmarked license plates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-201, is amended by adding the following language as new subsections:

(k) Any new specialty earmarked license plate authorized by statute on or after July 1, 2008, on behalf of a nonprofit organization shall be subject to certification of such organization's nonprofit status by the secretary of state within ninety (90) days of such authorization prior to initial issuance. Any such plate authorized on behalf of a nonprofit organization which is not certified as a registered nonprofit organization in good standing with the state by the secretary of state shall be deemed obsolete and invalid.

(l) Any nonprofit organization receiving proceeds from the sale of a new specialty earmarked license plate on or after July 1, 2008, shall be subject to the following requirements:

(1) The nonprofit organization shall meet and maintain all statutory requirements and Internal Revenue Service regulations for nonprofit corporations;

(2) Each nonprofit organization shall maintain its nonprofit status in good standing with the secretary of state;

(3) By September 30, 2008, and September 30 each following year, all nonprofit organizations receiving proceeds from the sale or renewal of a new specialty earmarked license plate shall submit an annual accounting of all such funds received from July 1 to June 30 of the preceding state fiscal year to the comptroller of the treasury. The comptroller of the treasury may audit any nonprofit organization receiving funds from a new specialty earmarked license plate to ensure that such funds are being used in accordance with statutory authority for such plate,

and the cost of such audit shall be charged to such nonprofit organization; and

(4) A nonprofit organization shall return any proceeds received from a new specialty earmarked license plate which a comptroller of the treasury's audit finds have been used in violation of statutory authority. The attorney general and reporter is authorized to institute proceedings under the Tennessee nonprofit corporation act as defined in § 48-51-101 et seq. to recover such proceeds.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

**PASSED: May 21, 2008**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 13th day of June 2008**

  
PHIL BREDESEN, GOVERNOR